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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,312	04/19/2000	Andrea Basso	IDS #1999-0097	4129

7590 06/30/2006

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EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/552,312

Applicant(s)

BASSO ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: With respect to claims 1-4 rejected under 102(e) as being anticipated by Rodriguez (6,118,923), applicant argues that, Rodriguez do not discuss analyzing the media collection to determine whether speech recognition data or closed captioning data may be used to index the media collection..."

In response, Examiner disagrees. Examiner notes applicant's arguments, however Rodriguez further discloses that, information decoder 48 decodes closed captions data emdeded in the VBI and uses this data for indexing the video as shown in continuation application Ser No. 08/701,038..." (see col.3, line 54-col.4, line 11 also cited in the office acion), which is Pat. No. 6,064,438 (Miller), where Miller disclose video indexing where VIP encoder encodes real-time descriptive information about a program and a VIP decoder detects the descriptive information of the program and indices the program accordingly (see col.4, line 40-col.6, line 34, line 48-col.7, line 5, line 66-col.8, line 1+, col.10, line 33-60 and col.11, line 48-col.12, line 14). Hence the 102(e) rejection of claims 1-4 using Rodriguez, is proper, meets all the claimed limitations and maintained.

With respect to claims 8-13, rejected under 102(b) as being anticipated by Fasciano (6,336,093), applicant further agues that, "Fasciano do not teach indexing a media collection according to detection of speaker voice characteristics..."

In response, Examiner disagrees. Examiner notes applicant's argues, however Fasciano discloses detecting speech or audio patterns and discloses that the output of the detected sigal can be used for several purposes (e.g., as disclosed in Pat. No. 5,634,020, see col.5, lines 9-col.6, line 48) and further discloses that selected live audio or speech patterns (vocabulary) of individual providing commentary...may be used to index video segments (col.6, line 63-col.7, line 54). Hence, the 102(b) rejection of claims 8-13, is proper. meets all the claimed limitations and maintained.

With respect to claims 5 and 7 rejected under 103(a) as being unpatentable over Rodriquez in view of Hoffert et al (5,983,176) and claims 14-17 rejected under 103(a) Fasciano in view of Halverson (6,523,061), applicant argues that it would not be obvious to combine the references.

In response, Examiner disagrees, Examiner notes applicants arguments , however as discussed in the office action the reference are in the same field of endeavor and hence, Examiner maintains the rejection is proper and maintained. Applicant's arguments with respect to claims 1-4, 8-13 and the various 103(a) rejections are not persuasive and the finality of the last offiice action is maintained


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